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**OFFICE OF PETITIONS**

In re Application of :  
Koichi Yoshikawa et al : DECISION GRANTING  
Application No. 10/072,223 : PETITION  
Filed: February 6, 2002 :  
Attorney Docket No. 112857-316 :  
:

This is a decision on the petition filed June 14, 2002, to accord the above-identified application a filing date of February 6, 2002, instead of January 6, 2002.

The petition is **granted**.

37 CFR 1.10(c) states,

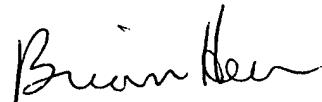
Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
- (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

All of the above requirements have been met. Therefore, the application will be accorded a filing date of February 6, 2002.

This application is being forwarded to the Office of Initial Patent Examination Division for further processing with a filing date of February 6, 2002, and for mailing of a Notice requiring the submission of an executed declaration and surcharge fee.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (703) 305-8859.



Brian Hearn  
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Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy